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January 8, 2016

*Via CM/ECF*

The Honorable Charles R. Breyer  
United States District Court for the Northern District of California  
San Francisco Courthouse  
Courtroom 6 - 17th Floor  
450 Golden Gate Avenue  
San Francisco, CA 94102

Re: Application for Steering Committee, Leadership or Co-leadership, in *In Re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation*, 15-md-02672-CRB (JSC)

To the Honorable Judge Charles Breyer:

In response to Pretrial Order No. 2, I am submitting this letter as an application for a position on the steering committee on behalf of the consumer class of plaintiffs in Volkswagen MDL No. 2672. I am a senior partner at the law firm Robins Kaplan LLP, which has 200-plus attorneys. I am attaching a short resume of myself and my firm. If and when the Court decides to appoint separate lead counsel for various subgroups of class members, I may seek appointment to represent a subgroup.

I have practiced law for over thirty-five years, and most of that time I have represented clients in complex, civil-litigation cases. I and many other partners at Robins Kaplan have served as co-lead or on committees in a variety of class-action cases. We have an excellent track record of working cooperatively with other plaintiffs' counsel. Similarly, we are well-respected, I believe, among lawyers representing defendants, and we work well with opposing counsel, while at the same time vigorously advocating for our clients. I and my colleagues at Robins Kaplan have worked with many of the fine mediators who have been recommended to the court. And I personally have worked extensively in more than one complex case with Professor Eric Green and Judge Edward Infante. We would welcome the opportunity here to work with co-counsel at other firms representing plaintiffs, as well as the attorneys who represent Volkswagen and any mediator to reach the best resolution of the plaintiffs' claims in this massive fraud.

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My experience in resolving large, complex cases includes my days at the Department of Justice during the Clinton Administration, when I served as Special Counsel to the Assistant Attorney General for Antitrust. There, my work concentrated on investigating and resolving cases against defendants who engaged in unlawful business practices. I was instrumental, for example, in resolving the DOJ's price-fixing case against NASDAQ securities firms in *United States v. Alex Brown & Sons*, No. 96-civ-5313 (S.D.N.Y.).

After leaving the DOJ, I entered private practice, where I continued to represent plaintiffs in complex cases, often against large, well-funded defendants. Most recently, I was lead counsel who played a key role in reaching a groundbreaking \$7.25 billion class-action settlement with Visa, MasterCard, and major U.S. banks relating to anticompetitive interchange fees and rules. *In re Payment Card Interchange Fee & Merchant Discount Antitrust Litig.*, MDL 1720 (E.D.N.Y.). The *Interchange* case – called the “Super Bowl” of antitrust litigation by defendants’ counsel – challenged the forty-year practice of the major banks to use their ownership of credit card networks to fix the price paid for credit-card processing. This is the largest-ever settlement of an antitrust case in the United States.

I have been involved in settling many other complex-litigation matters, both before and after my stint at the DOJ, including • *Dahl, et al. v. Bain Capital Partners, LLC et al.*, No. 07-cv-12388 (D. Mass.) (reaching settlement on behalf of class plaintiffs for \$590 million against the largest private equity firms in the U.S. for suppressing “going private” bids for public companies); • *In re Visa/MasterCard Antitrust Litigation*, MDL 1575 (reaching settlement with Visa and MasterCard over anticompetitive conduct); • *In re Vitamins Antitrust Litigation*, MDL 1285 (D.D.C.) (reaching \$250 million settlement with major international vitamin manufacturers on price-fixing case that involved vigorously contested disputes regarding jurisdiction, foreign discovery, conspiracy, damages and expert issues); • *In re Workers’ Compensation Ins. Litig.* (D. Minn. 4-85-1166) (a precedent-setting antitrust challenge to the workers’ compensation industry); and • *In re Methionine Antitrust Litigation*, MDL 1311, (N.D. Cal.) (reaching a \$35 million settlement in international price-fixing cartel on behalf of opt outs).

The *Interchange* and *Visa/MasterCard* cases were assigned to Judge John Gleeson of the Eastern District of New York, who can comment on my work in his court (Tele: 718-260-2450). Other judges in the aforementioned cases who can comment on my work and advocacy include: • *Dahl*, Judge Edward F. Harrington and, upon his retirement, Judge William Young (Tele: 617-748-9156); • *Workers’ Compensation*, Judge James M. Rosenbaum (Ret.) (Tele: 612-332-8225). Finally, I appeared before Your Honor in the *Methionine* case.

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Robins Kaplan is willing and able to immediately commit to time-consuming litigation. My firm is designed to handle complex class-action cases. Three practice groups within the firm are dedicated to providing significant litigation resources on these cases. We have a committed team of in-house professionals on staff to assist with complex cases, including financial and economic consultants – comprised of CPAs, MBAs and PhD economists – who can provide an efficient and cost-effective means to develop damage models and measures. This group also includes PhD scientists, who can evaluate the technical aspects of Volkswagen’s “clean diesel” engine design. The firm has an e-discovery practice group whose sole mission is to develop strategic e-discovery plans customized to be cost-effective and efficient for document discovery and review, complete with document-hosting capability for complex-litigation cases. We also have a trial-support group that can handle multimedia production and trial technology along with the logistics support for large trials. Robins Kaplan is prepared to deploy all of these valuable resources, together with capital and attorney resources, for the benefit of the class of consumer plaintiffs.

At this stage of this litigation, three distinct cases have emerged: (1) consumer; (2) securities; and (3) dealership. Robins Kaplan currently represents a number of consumer clients, both purchasers and lessees of Volkswagen’s “clean diesel” cars, and we offer to serve on a steering committee or other leadership capacity representing consumer clients. Further subgroups of these three broad groups or division in labor among law firms may make more sense once litigation has ensued. At the outset, we recognized that this case is more than simply a common-law fraud case, but also implicates, for example, RICO claims. I believe that my experience at the DOJ makes me uniquely experienced to coordinate efforts with the concurrent government investigators in that respect.

I look forward to serving the Volkswagen consumers in this case.

Sincerely,

*/s/ K. Craig Wildfang*